

## SHOCKLEY DECLARATION

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GOLDGLIT & COMPANY LLP

Plaintiff,

12 CV 1838 (DAB )

-against-

BASIL AGROCOSTEA,

Defendant.  
-----X

**DECLARATION OF LAURA L. SHOCKLEY**

Laura L. Shockley, pursuant to 28 U.S.C. § 1746, hereby declares the truth of the following:

1. I am a partner with the law firm of Rivkin Radler LLP and am counsel for Plaintiff Goldglit & Company LLP ("Plaintiff" or "Goldglit").

2. I have personal knowledge of the facts set forth in this declaration, and would testify as to them in a court of law if required to do so.

3. I respectfully submit this declaration in support of Goldglit's application for a temporary restraining order during the pendency of the hearing and disposition of this action pursuant to Fed. R. Civ. P. 65, enjoining the defendant individually and through his company, Agro Accounting, during the pendency of this action from:

(a) keeping, maintaining and/or possessing any records, in whatever form they may exist, that belong to Goldglit, including but not limited to those that refer to Goldglit clients and/or business contacts;

(b) utilizing or disclosing any information contained in such records;

(c) soliciting, contacting, servicing, accepting or doing business with any Goldglit clients, prospective clients, referral sources or individuals and entities whom Agrocostea learned of and/or serviced during his employment with Goldglit, and;

(d) utilizing or otherwise disseminating the fraudulent January 26, 2012 e-mail (attached hereto as Exhibit 1); and

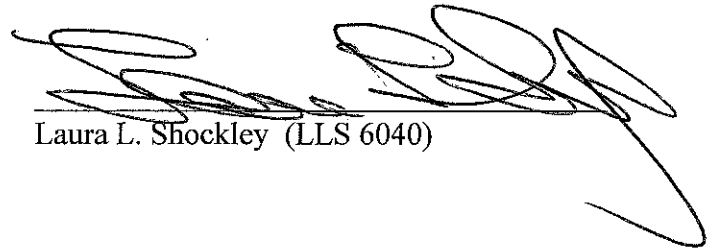
(e) otherwise unlawfully competing with Goldglit.

4. As set forth herein, and in Goldglit's memorandum of law and affidavit of Steven Goldglit, CPA, in support of this motion, the Defendant has engaged in a fraudulent scheme to unfairly compete with Goldglit and steal Goldglit's clients. As such, Defendant not only stole Goldglit's confidential client lists, Defendant hacked into Goldglit's electronic database and created and sent a fraudulent e-mail to Goldglit's clients and business associates from Mr. Goldglit's e-mail account praising Defendant's performance. Defendant then sent the fraudulent e-mail as a purported letter of recommendation with a cover letter to Goldglit's clients in order to steal Goldglit's business.

5. No previous application has been made for the relief sought herein.

6. The Defendant has not yet appeared in this action by counsel. However, it is my understanding that he will be represented in this action by Deborah J. Blum, Esq. The basis for my understanding is my firm's prior communications with Ms. Blum. It is my understanding that Ms. Blum represents the Defendant in connection with the criminal complaint that was filed by Goldglit against Defendant in the 14<sup>th</sup> Precinct of the New York City Police Department due to his unlawful activity. I hereby certify that I provided notice to Ms. Blum of the within application for a temporary restraining order by leaving a detailed voice message at Ms. Blum's office (646) 535-2586 and by sending a copy of the Complaint and Order to Show Cause to Ms. Blum's office via facsimile and federal express. I also attempted to notify Ms. Blum by electronic correspondence, however, the e-mail message was returned as undeliverable. A copy of the notice and prior correspondence from Ms. Blum to my office is annexed hereto as Exhibit 2.

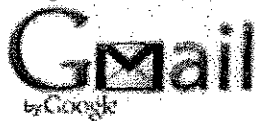
I declare under penalties of perjury that the foregoing is true and correct. Executed at  
Uniondale, New York on March 13, 2012.



A handwritten signature in black ink, appearing to read 'Laura L. Shockley', is written over a horizontal line.

Laura L. Shockley (LLS 6040)

## EXHIBIT 1



Basil Agrocostea &lt;basyagro@gmail.com&gt;

## Goldglit advice

Steven Goldglit &lt;Steven@goldglit.com&gt;

Thu, Jan 26, 2012 at 2:43 AM

To: "basyagro@gmail.com" &lt;basyagro@gmail.com&gt;

Dear clients – I am writing you about my former "silent real partner" in growth, Basil Agrocostea. It is clear by the odd timing of this email that I write you most openly, earnestly.

Basil came to my Firm nearly 3 years ago. In his time with us, he has made considerable contributions to our growth. I want to tell you about them because I recently lost my temper and fired him. In retrospect I committed a gross injustice. Basil brought a couple of clients to the Firm – my well experienced definition of bringing clients being, having first contact or being requested for by a new client. He also developed a strong level of trust with some clients, either gaining their referral or him providing the contact of relevant potential customers to them. As Basil's interaction with clients was executive in nature yet whereas I repeatedly placed him last on the compensation totem pole, I am regretful for betraying my sworn values of integrity and fairness and I ask you to please lend me your ears this morning to the good work Basil did which affected many of you. Okay?

Basil Agrocostea handled the largest responsibility of payroll tax preparation in the Firm. Last year when president Obama passed special tax credits to employers for hiring new workers, Basil was the first in our office to claim the tax credits for our clients and pass on the knowledge to our team. In the fall, he approached me with the idea of signing up many of our clients with ADP, reducing our clients' costs and lessening payroll work on our end. His work in sales tax preparation was equally impressive. He prepared sales tax returns for multiple states and took interest independently in determining whether conducting an art fair in another state would require sales tax filing in that state. He was the first and only in my Firm to electronically file pension forms. His work on pension and profit sharing plans was clearly commended by my trusted Actuary of many years: in writing to us regarding pension and profit sharing filing obligations, she copied (just) my long time Partner Rick, Basil and I last year.

Basil Agrocostea motivated my Staff – all of us – with a concept of growing by delegating tasks to team members and optimizing our image for clients. He actively sought obtaining a low cost intern to assist him with his growing responsibilities, a level of responsibility I encouraged him to take on and an intern's help I verbally approved at the end of his first year with us. He had successfully reached out to his college professor and interviewed an intern but in the end we shot him down on it, by obtaining an assistant for our Secretary. If our Secretary of 30 years has never had an assistant before and if Basil persisted on obtaining an intern, then who is the engine for team growth – Basil is. Sound okay? In one of his latest actions to grow the firm efficiently, he fearlessly argued with a Partner on an HR deployment issue, on how to present the engagement team in a mutually beneficial way to our beloved client.

The above are the indirect ways in which Basil acted as a catalyst to our continued progress. In income tax preparation and tax planning, he was one of the more effective people I relied on. He would go the extra mile by not accepting what was presented to him as final and trying to improve it. For a client with multiple properties, he took the time to account for each property's costs separately even if that information was not needed for the income tax preparation. For a client with rent from multiple tenants, he would seek creativity in claiming the loss as business vs rental – a business loss is fully deductible but a rental loss is limited. He was wrong on that and he was wrong other times too. However his ideas were worthwhile and when he was right, he brought considerable advantage to the taxpayer's position. He insisted foreign income is not always subject to self-employment tax and I accepted it because the accountant / tax lawyer my Firm has shared space with for over 30 years agreed with him.

In an international art climate, Basil led the way for our Firm in new regulations that require disclosure of foreign business ownership. He tutored me on preparing the necessary form for one of our top three largest clients. In a



down economy that has affected the art market capriciously; I put him in charge of carrying back business losses and obtaining prior year tax refunds. With his creativity and drive, he increased a client's deductible carryback loss by 150% from the amount I had determined and obtained IRS approval for his tactic. Basil was / is building a client base in Arts with the intent of joining the Firm. I have learned he is the accountant to public charity Section 509a not for profits – like museums – which gives him a fuller understanding of cycle in the art industry. He told me about a personal client with million-dollar sculpture art that is on public display in the Hamptons. I do not doubt his networking skills, I never took the time to appreciate them and I recount my good character now.

Basil Agrocostea came to me with open arms on his networking activities. He would tell me at my desk about the banking affairs he attended at Alliance Bernstein. He even once forwarded me an email personal in nature, on the artistic pursuits of his Bernstein Family Girlfriend. He would always seek to share, yet remain a low key person. I was flagrantly in the wrong on first not reciprocating his intellectual and character's value throughout his three years with our Firm, then second with firing him. Actions are stronger than words and I kindly request of you – as Basil would say – to consider the services of my former, great Associate. He is a teammate I know will boomerang back to me fairly and, will ultimately help the Goldglit name you have all so warmly and generously patronized with years of undying and loving loyalty.

Thank you for reading this honest email. Please consider the professional services of my former, great Associate Basil Agrocostea. Please. For sure he and I should come together again.

Basil Agrocostea: 917-650-4534 / Basyagro@Gmail.com

Sincerely, Steven

Steven Goldglit  
Goldglit & Company LLP

Please Note Our New Address:

499 Seventh Avenue  
Floor 14 South  
New York NY 10018  
212-868-7200  
Steven@Goldglit.com  
http://goldglit.com/



RECEIVED

*B. Agrocostea*

JULIAN L. COLE  
Notary Public, State of New York  
No. 01C06230399  
Qualified in New York County  
Commission Expires 11/01/14

## EXHIBIT 2



**Laura L. Shockley**

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**From:** Laura L. Shockley  
**Sent:** Tuesday, March 13, 2012 4:01 PM  
**To:** 'deborah@deborahjblum.com'  
**Cc:** Ken Novikoff  
**Subject:** Goldglit v. Agrocosteia - Notice of OTSC Seeking TRO To Be Presented TOMORROW  
**Importance:** High  
**Attachments:** skmbt\_50112031314570\_003806-00001\_20120313\_155737.pdf

Ms. Blum,

This will follow up on my voice mail message to your office. Please be advised that the attached complaint was filed in the U.S. District Court for the Southern District of New York this morning under case number 12 CV 1838. Judge Batts has been assigned to the case and **we will be presenting an Order To Show Cause seeking a Temporary Restraining Order to Judge Batts tomorrow morning at 11:30 a.m.** I will provide you with a copy of the OTSC and moving papers under separate cover.

Please contact me to discuss further.



Laura L. Shockley  
926 RXR Plaza, Uniondale, NY 11556-0926  
D 516.357.3209 T 516.357.3000 F 516.357.3333  
[laura.shockley@rivkin.com](mailto:laura.shockley@rivkin.com)



Please do not print this email unless it is necessary.

3/13/2012

**Laura L. Shockley**

---

**From:** Microsoft Exchange  
**To:** 'deborah@deborahjblum.com'  
**Sent:** Tuesday, March 13, 2012 4:01 PM  
**Subject:** Undeliverable: Goldglit v. Agrocosteia - Notice of OTSC Seeking TRO To Be Presented TOMORROW

**Delivery has failed to these recipients or distribution lists:**

'deborah@deborahjblum.com'

A problem occurred during the delivery of this message. Microsoft Exchange will not try to redeliver this message for you. Please try resending this message later, or provide the following diagnostic text to your system administrator.

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Sent by Microsoft Exchange Server 2007

**Diagnostic information for administrators:**

Generating server: Exch1.rivkinradler.com

IMCEAMAILTO-deborah+40deborahjblum+2Ecom@rivkin.com  
#550 5.4.4 ROUTING.NoNextHop; unable to route ##

**Original message headers:**

Received: from Exch1.rivkinradler.com ([10.10.0.14]) by exch1 ([10.10.0.14])  
with mapi; Tue, 13 Mar 2012 16:00:55 -0400  
Content-Type: application/ms-tnef; name="winmail.dat"  
Content-Transfer-Encoding: binary  
From: "Laura L. Shockley" <Laura.Shockley@rivkin.com>  
To: "'deborah@deborahjblum.com'"  
<IMCEAMAILTO-deborah+40deborahjblum+2Ecom@rivkin.com>  
CC: Ken Novikoff <Ken.Novikoff@rivkin.com>  
Importance: high  
X-Priority: 1  
Disposition-Notification-To: "Laura L. Shockley" <Laura.Shockley@rivkin.com>  
Return-Receipt-To: <Laura.Shockley@rivkin.com>  
Date: Tue, 13 Mar 2012 16:00:54 -0400  
Subject: Goldglit v. Agrocosteia - Notice of OTSC Seeking TRO To Be Presented  
TOMORROW  
Thread-Topic: Goldglit v. Agrocosteia - Notice of OTSC Seeking TRO To Be  
Presented TOMORROW  
Thread-Index: Ac0BU/9g4E2sJ7GeQJq2SI24OFXGyw==  
Message-ID: <FB15BB9F2F8679429C6A3D154CAB634A16E33940@exch1>  
Accept-Language: en-US  
Content-Language: en-US  
X-MS-Has-Attach: yes

**Laura L. Shockley**

---

**To:** Laura L. Shockley  
**Subject:** FW: Basil Agrocostea

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**From:** Deborah J. Blum, Esq. [mailto:[deborah@deborahjblum.com](mailto:deborah@deborahjblum.com)]  
**Sent:** Thursday, March 01, 2012 3:00 PM  
**To:** Ken Novikoff  
**Subject:** Basil Agrocostea

Dear Mr. Novikoff:

We last communicated last week regarding my client. He and I lost touch but re-gained contact today. He told me that the same Detective who previously spoke with him about this matter reached out to him again.

I have advised Mr. Agrocostea both orally and in writing to cease, desist, and refrain from circulating and referencing the Steven Goldglit Letter in question. I immediately did so upon receipt of your last inquiry. To my knowledge, he has stopped sending and referencing the letter.

I am still hopeful that we can work out a resolution. My client will provide me with a list of names, as we discussed, so I can forward them to you. I stressed the urgency and immediateness with which he should provide me the letter.

Perhaps you could send me the rest of the non-compete which I will review with my client. We can include any exceptions that we agree upon thereafter.

I truly would like to resolve this matter out of court. Please note the change in my email address. It is now: [deborah@deborahjblum.com](mailto:deborah@deborahjblum.com).

Thank you,  
Deborah J. Blum

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See: <http://www.rivkinradler.com/email-disclaimer.cfm> for further information on confidentiality.

3/13/2012



LAURA L. SHOCKLEY  
PARTNER  
(516) 357-3209  
[laura.shockley@rivkin.com](mailto:laura.shockley@rivkin.com)

March 13, 2012

VIA FACSIMILE & FEDERAL EXPRESS  
(917) 621-3159

Deborah J. Blum, Esq.  
Law Office of Deborah J. Blum  
817 Broadway, 5th Floor  
New York, N.Y. 10003

Re: Goldglit & Company LLP v. Basil Agrocostea  
RR File No.: 003806-00001

Dear Ms. Blum:

Pursuant to my voice message of today, please be advised that Goldglit & Company LLP has filed a complaint in the U.S. District Court for the Southern District of New York against your client, Basil Agrocostea under Case No.: 12 CV 1838 (DAB). I am attaching a copy hereto for your reference.

As per my voice message, please be further advised that I will be presenting an Order To Show Cause Seeking a Temporary Restraining Order in connection with this matter tomorrow, **March 14, 2012 at 11:30 a.m. before Judge Batts** at the courthouse located at 500 Pearl Street, N.Y., N.Y. A copy of the Order To Show Cause is attached hereto. I will provide you with a complete set of the motion papers under separate cover.

I attempted to send this via electronic mail to your email address: [Deborah@deborahjblum.com](mailto:Deborah@deborahjblum.com), however it came back as undeliverable. Please contact me with any questions.

Yours truly,

A handwritten signature in black ink, appearing to be "Laura L. Shockley", written over a horizontal line.

Laura L. Shockley

## JOB STATUS REPORT

TIME : 03/13/2012 16:31  
 NAME :  
 FAX# : 5163573333  
 TEL# :  
 SER.# : 000004080296

DATE, TIME	03/13 16:24
FAX NO./NAME	919176213159
DURATION	00:07:32
PAGE(S)	20
RESULT	OK
MODE	STANDARD



926 RXR PLAZA  
 UNIONDALE, NEW YORK 11556-0926  
 (516) 357-3000  
 FAX (516) 357-3333  
 www.rivkinradler.com

**FAX COVER MEMO**

TO:	Deborah J. Blum, Esq.
FIRM NAME:	Law Office of Deborah J. Blum, Esq.
FAX #:	917-621-3159
PHONE #:	646-535-2586
CITY:	New York

FROM:	Laura L. Shockley
DATE:	March 13, 2012
RE:	Goldglit & Company LLP v. Basil Agrocosteia
FILE #:	003806-1
COMMENTS:	Please see attached in connection with OTSC that will be presented in SDNY before Judge Blum tomorrow morning at 11:30 a.m.



926 RXR PLAZA  
UNIONDALE, NEW YORK 11556-0926  
(516) 357-3000  
FAX (516) 357-3333  
www.rivkinradler.com

## FAX COVER MEMO

TO:	Deborah J. Blum, Esq.
FIRM NAME:	Law Office of Deborah J. Blum, Esq.
FAX #:	917-621-3159
PHONE #:	646-535-2586
CITY:	New York

FROM:	Laura L. Shockley
DATE:	March 13, 2012
RE:	Goldglit & Company LLP v. Basil Agrocosteia
FILE #:	003806-1
COMMENTS:	Please see attached in connection with OTSC that will be presented in SDNY before Judge Blum tomorrow morning at 11:30 a.m.

PAGE(S) TO FOLLOW

IF THERE ARE ANY PROBLEMS CONCERNING THE TRANSMISSION OF  
THIS MATERIAL, PLEASE CALL:

FAX DEPARTMENT: (516) 357-3392

THANK YOU.

RETURN TO: Laura L. Shockley  
Room #:

\*\*\*\*\*

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